

# SELF-REPRESENTED LITIGANTS TASK FORCE

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# STATEWIDE ACTION PLAN FOR SERVING SELF-REPRESENTED LITIGANTS

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## EXECUTIVE SUMMARY

The Judicial Council's Task Force on Self-Represented Litigants has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for courts which are designed to work with litigants who are represented by attorneys. Managing cases involving self-represented litigants is a daily business event at every level of court operations—from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. In order to increase access to justice for the public and enhance the court's ability to efficiently handle cases in which litigants are self-represented, the task force makes the following key findings.

### KEY FINDINGS

1. Court-based staffed self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public.
2. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants, and to effectively manage their cases at all stages, are incorporated and budgeted as core court functions.
3. Partnerships between the courts and other governmental and community-based legal and social service organizations are critical to providing the comprehensive field of services required for success.

The task force has worked to develop a comprehensive statewide plan that effectively addresses the ways in which courts handle cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends them and finds a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in a myriad of reports and articles and particularly in the strategic

### A GREAT-GRANDMOTHER'S STORY

Bernice came to her local court's self-help center asking for assistance regarding her *great-granddaughter*, Amy (age five). Bernice's granddaughter, the child's mother, suffered from a long history of mental illness and drug abuse and was living in a motel room. She would show up unannounced and ask Bernice to take care of the child "for a couple more days," but days turned into weeks. Bernice lives on a fixed income and could not afford an attorney. She was the only relative capable of caring for the child, and there was nowhere else for her to turn. The center was able to help Bernice fill out the forms to obtain guardianship of the child. Amy now receives regular medical and dental attention and is enrolled in preschool. Bernice's ability to seek guardianship has probably helped avoid foster care placement for Amy.

plans submitted by local courts to the Judicial Council. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

Many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. Fiscal benefits to the courts produced by pro per assistance programs have already been recognized. The success of these programs is critical for courts as they attempt to deal with current budget conditions. The task force believes that unless the impact on self-represented litigants is a fundamental consideration in planning, any redesign of court operations will not achieve positive net savings.

#### FISCAL BENEFITS TO COURTS

- Save time in courtrooms
- Reduce inaccurate paperwork
- Increase ability to identify conflicting orders
- Improve quality of information provided by litigants
- Diminish inappropriate filings
- Minimize unproductive court appearances
- Lower continuance rates
- Expedite case management and dispositions
- Promote settlement of issues
- Increase the court's overall ability to handle its entire caseload

Courts that work well for cases involving self-represented litigants also produce significant benefits to the community as a whole.

#### PRO PER INFORMATION

**Over 4.3 million of California's court users are self-represented**

**Some counties reported their pro per filing rates in local action plans to assist self-represented litigants.**

##### PETITIONER AT FILING (mean rates)

Unlawful Detainer*	34%
Family Law	67%
<i>(Largest Counties = 72%)</i>	
Probate	22%
General Civil	16%

\*Judges and court staff report that the defendant in unlawful detainer cases is self-represented over 90% of the time.

**Available Judicial Branch Statistical Information System (JBSIS) data for family law reports even higher pro per rates for petitioners at the time of disposition:**

##### PETITIONER AT DISPOSITION (mean rates)

Dissolution	80%
Legal Separation	76%
Nullity	76%
Paternity	96%

##### COURT-BASED SELF-HELP PROGRAMS (Customer Contacts: 1-year period)\*

Family Law Facilitators	over 450,000
Family Law Information Centers (3 Counties)	over 45,000

\*Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases.

##### CALIFORNIA COURTS ONLINE SELF-HELP CENTER (2003)

**Over 1.6 million visits**

**All Judicial Council forms can now be filled out on this Web site.**

## BENEFITS TO THE GREATER COMMUNITY

- Improve the climate in which to conduct business
- Minimize employee absences due to unsettled family conflicts
- Lessen the amount of time lost from work due to repeated court appearances
- Relieve court congestion allowing all cases to be resolved more expeditiously
- Enhance timely disposition of contract and collection matters
- Promote public safety by increasing access to orders to prevent violence
- Support law enforcement with clear, written orders related to custody, visitation and domestic violence
- Lessen trauma for children at risk due to homelessness or family violence
- Significantly contribute to the public's trust and confidence in the court and in government as a whole

### A DOMESTIC VIOLENCE STORY

Ann had been physically abused by her boyfriend Ron. She had managed to separate from him and obtain a restraining order. Ron works for the Health Maintenance Organization (HMO) that provided her healthcare. She has been a patient there for several years. Ron was using his employment to obtain personal information about Ann. The HMO had already provided some information to him, and was refusing to give Ann any information or protect her medical information from him. Ann went to her local court's self-help center. There she was assisted in filing a petition and obtaining a temporary restraining order, and obtaining a referral to a pro bono attorney to review the case and appear in court with her.

Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California's already tenuous economy and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving those who represent themselves. The task force believes that California should continue in this leadership role.

Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

## **Recommendations**

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The Task Force on Self-Represented Litigants has analyzed action plans to provide assistance to self-represented litigants that were developed by local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and in improving access to justice for the public.

### **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

#### **THE TASK FORCE RECOMMENDS THAT:**

- A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.
- B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.
- C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.
- D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.
- E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.
- F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.

## **RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

### **THE TASK FORCE RECOMMENDS THAT:**

- A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).
- B. Technical assistance be provided to courts on implementation strategies.
- C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to self-help center staff.
- D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.
- E. The California Courts Online Self-Help Center be expanded.
- F. The Judicial Council continue to simplify its forms and instructions.
- G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.
- H. Support for increased availability of representation for low- and moderate-income individuals be continued.
- I. Work with the State Bar in promoting access for self-represented litigants be continued.
- J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.

## **RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

### **THE TASK FORCE RECOMMENDS THAT:**

- A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.

- B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders and works toward ongoing coordination of efforts.

#### **RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve litigants who navigate the court without the benefit of counsel.
- B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.
- C. The AOC, in consultation with the California Judges Association provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.

**RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH**  
**JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.
- B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.
- C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.



- D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians, and other statewide entities on public outreach efforts.
- E. Local courts be encouraged to identify and reach out to existing programs to better serve self-represented litigants.

#### **RECOMMENDATION VI: FACILITIES**

**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future court facilities or remodeling of existing facilities.
- B. Facilities include sufficient space for litigants to conduct business at the court clerk's office.
- C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.
- D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.
- E. Information stations that provide general information about court facilities and services be placed near court entrances.
- F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.

#### **RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. Continued stable funding be sought to expand successful existing programs statewide.

- B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.
- C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.
- D. Uniform standards for self-help centers be established to facilitate budget analysis.
- E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.
- F. Coordination of local efforts among programs assisting self-represented litigants should be stressed in order to maximize services and avoid duplication.
- G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.

**RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.
- B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.

## **REPORT OF THE TASK FORCE ON SELF-REPRESENTED LITIGANTS**

Chief Justice Ronald M. George named the Judicial Council's Task Force on Self-Represented Litigants in May 2001. In response to the growing number of self-represented litigants, the task force members were charged with the following mission:

1. To coordinate the statewide response to the needs of self-represented parties;
2. To finalize development of a statewide pro per action plan and to launch implementation of that action plan, where appropriate;
3. To develop resources for pro per services, particularly for those activities in the statewide pro per action plan that require significant funding; and
4. To make recommendations to the Judicial Council, the State Bar, and other appropriate institutions about additional measures that should be considered to improve the way in which the legal system functions for self-represented parties.

The task force is chaired by Associate Justice Kathleen E. O'Leary, Court of Appeal, Fourth Appellate District. Its members are a diverse group of individuals from throughout the state representing the judiciary, the State Bar of California, trial court administration, court-based self-help centers, county governments, local bar associations, legal services, law libraries, and the public. (See Appendix 1 for task force roster.)

In this report, the task force has attempted present a comprehensive statewide plan that effectively addresses the way in which the court handles cases involving self-represented litigants. In its assessment of the needs of self-represented litigants, the task force found that many of California's courts have already begun to implement strategies specifically designed to manage cases involving self-represented litigants more effectively. The task force commends these courts and finds that there is a compelling need to enhance and expand these strategies throughout the state.

The growth in the numbers of pro per litigants has been documented in California and nationwide. In 2001, the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA) identified the need for courts to design processes that work well for cases involving self-represented litigants as a priority. In accord, attendees at a 1999 National Conference on Public Trust and Confidence in the Courts ranked the

### **A FAMILY IN TROUBLE**

Mr. Jorge Lopez and his family, who were all Spanish speaking, came to their local court's self-help center asking for assistance with a car accident matter. They had been trying without success to settle with the insurance company by themselves. The children had been hurt in the accident and required ongoing medical care. Damages had not been determined. The statute of limitations was going to run out that day. The center was able to assist them in completing and filing a complaint form so their cause of action could be preserved until they could obtain legal representation. They were then referred to a certified lawyer referral service.

cost of accessing the courts as the second most pressing issue for today's courts. At a 1996 National Conference of the Future of the Judiciary open access to the justice system was identified as one of the top five issues currently facing courts.

In California, many local strategic plans made the link between improved assistance to self-represented litigants and the improvement of the management and administration of the courts. In its analysis of these strategic plans, the Judicial Council identified both social and economic trends that are generating ever-increasing numbers of self-represented litigants in the courts. Court operational systems, in accord with traditional adversary jurisprudence, have been designed to manage a flow of cases in which the vast majority of litigants have attorneys to represent them. Strategies for handling cases without attorneys have typically not been addressed as a core function of the courts. The same economic trends currently creating adverse fiscal conditions for courts are also working to increase the population of self-represented litigants. This reality is unlikely to change any time soon.

The task force has found a unity of interest between the courts and the public with respect to assistance for self-represented litigants. Lack of legal assistance is clearly an enormous barrier for the public. It also creates a structural gap for the courts which are designed to work with litigants who are represented by attorneys. Many local strategic plans made the link between improved assistance to self-represented litigants and improvement of the management and administration of the courts.

Fiscal benefits to the courts produced by pro per assistance programs have already been documented in terms of savings in courtroom time; improvement in the quality of information given to judicial officers, reduction of inaccurate paperwork, inappropriate filings, unproductive court appearances and resulting continuances; and increases in expeditious case management and settlement services. The success of these programs is critical for courts as they attempt to deal with current budget conditions. It is imperative for the efficient operation of today's courts that well-designed strategies to serve self-represented litigants are incorporated throughout the full scope of court operations. The task force believes that unless the impact on self-represented litigants is a critical consideration in planning, any redesign of court operations will not be successful in producing positive net savings.

There is also a significant financial burden to the community at large when assistance for self-represented litigants is unavailable. Businesses suffer when congested court calendars delay collection efforts, cause extended employee absences, and hamper resolution of contract disputes. Public safety is compromised when litigants fail to obtain appropriate and enforceable orders to prevent domestic violence, receive child support, or obtain child custody. Perhaps most importantly,

#### **AVOIDING LITIGATION**

Jack and Lynn had been divorced for several years. Jack was moving some distance away, and they wanted information about changing their custody/visitation order, and whether they should also change child support. They came to their court's family law information center for help. Lynn and Jack were basically in agreement about the custody/visitation matters. The center attorney went through the child support guideline information with them, and they were also able to agree on a modification of child support. They were able to write up their agreement and submit it to the court for signature. Happily for these parents, and for the court, Jack and Lynn did not have to file a motion for the court to modify their orders, attend family court services mediation or participate in a court hearing.

public trust and confidence in the judicial process is undermined when justice is delayed or appears to be completely inaccessible to litigants who do not have access to legal help. Our society is based upon the premise that disputes can be resolved peacefully, in a timely way, by the court system – rather than by violence. Failure to address the necessity of assisting self-represented litigants to obtain access to prompt and lawful remedies serves to further jeopardize California’s already tenuous economy, and diminish the quality of life Californians traditionally enjoy.

With its family law facilitator program, family law information centers, self-help Web site, self-help pilot projects, equal access partnership grants, and numerous innovative programs created by local courts in collaborations with law libraries, bar associations, and legal services, California has led the nation in beginning to address the reality of litigation involving self-represented litigants. The task force believes that California should continue in this leadership role. (A comprehensive description of California’s self-help programs and projects is attached as Appendix 2.)

### **Background Information**

In November 1999, the American Judicature Society held a National Conference on Self-Represented Litigants Appearing in Court, sponsored by the State Justice Institute. Chief Justice George appointed a team to attend the conference. The team developed a draft action plan that resulted in four regional conferences in California designed to encourage trial courts to develop their own action plans for serving self-represented litigants. To date 55 of California’s 58 county courts have participated in this planning process, and 49 have completed their plans. The task force reviewed these action plans and a summary of the first 45 of these plans is attached as Appendix 3.

Through this planning process, local trial courts reported growing numbers of self-represented litigants in all areas of civil litigation. In those counties that reported the pro per rates in unlawful detainer, the average was 34 percent of petitioners (generally landlords) at the time of filing. Judicial officers and court staff estimate that over 90 percent of unlawful detainer defendants are self-represented. In probate, petitioners were self-represented an average of 22 percent at the time of filing. In family law, petitioners were pro per at the time of filing an average of 67 percent. In the large counties (with more than 50 judicial positions), that average was 72 percent. Available data from the Judicial Branch Statistical Information System presents rates in family law even higher for petitioners at the time of disposition. In dissolution at the time of disposition the average pro per rate was 80 percent; legal separation was 76 percent; nullity was 76 percent, and paternity was 96 percent. These data suggest that while some litigants may be able to afford representation at the time a case is initiated, they can not maintain it through disposition.

In one 12-month period, California’s family law facilitator program handled over 450,000 contacts from self-represented litigants asking for help. Within the same time frame, the three family law information centers handled over 45,000 such requests. Due to the complexity of family law matters, many litigants use the services of these programs repeatedly throughout the process of their cases. In 2003, the California Courts Online Self-Help Center had over 1.6 million visits. Over 4.3 million of California’s court users are self-represented. The number of Californians whose income is not sufficient to afford private legal representation (but is above

the limits of entitlement to free service from legal aid assistance programs or the public defender) continues to grow and results in larger numbers of self-represented litigants in even the juvenile law and criminal law departments.

### **Recommendations**

In crafting its recommendations, the task force has, to the greatest extent possible, attempted to include replication of existing best practices, collaborative efforts, development of standardized criteria for self-help centers, and other cost-effective methods or procedures. Mindful of the need to ensure the wisest utilization of scarce public resources, the task force has attempted to design processes and tools to measure outcomes. An effort has been made to identify both existing and potential funding sources.

The task force has analyzed the action plan for serving self-represented litigants submitted by the local trial courts, consulted with Judicial Council advisory committees on subject matter concerns, and met with experts on serving self-represented litigants. These recommendations are designed to assist California's courts to continue their leadership role in creating operational systems that work well for the timely, cost-effective and fair management of cases involving self-represented litigants and for improving access to justice for the public.

#### **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

#### **THE TASK FORCE RECOMMENDS THAT:**

- A. The Judicial Council continue to recognize self-help services as a core function of the trial courts and identify these services consistently in the budgetary process.**

Assistance for self-represented litigants and the efficient processing of cases involving self-represented litigants have become core operational processes of the court that directly affect its ability to achieve its mission, and appropriate funding should be provided. Budget request forms developed by the Judicial Council should consistently reflect these services as integral to the function of the court.

- B. Courts use court-based, attorney-supervised, staffed self-help centers as the optimum way to facilitate the efficient processing of cases involving self-represented litigants, to increase access to the courts and improve the delivery of justice to the public.**

A court-based, attorney-supervised, staffed self-help center is the optimum approach for both litigants and the court. Written instructional materials, resource guides, computer programs and Web sites, videos, and other materials should support self-help center staff. Without available staff assistance, these resources alone should not be considered a self-help center. Sufficient

support staff should also be provided to self-help center attorneys through training, additional staffing, and potential redeployment of existing staff.

Personal assistance by self-help center staff has been successfully provided through individual face-to-face assistance, workshops, teleconferencing, or telephone help lines. Services may be provided at court locations or in mobile vans, law libraries, jails, or other community locations. Some litigants are comfortable securing information exclusively through written materials or via the Internet. These services are helpful for those who find it difficult to take time from work or other responsibilities or who face geographic or physical challenges getting to a self-help center. It appears that the most desirable format for legal assistance varies based on the sophistication of the person seeking assistance, type of proceeding, complexity of the issues, availability of staffing resources, and volume of demand for services, along with a number of other factors.

The level of information and education given by self-help center staff distinguishes that role from the role normally played by a court clerk or other court staff. Self-help center staff must be able to understand the procedural complexities of a case from beginning to end. The triage function of the self-help center requires the ability to identify overlapping cases and issues, sometimes from multiple jurisdictions. In fact, checking local databases to identify multiple cases involving the same parties is an important function of the self-help center. Self-help center staff must also be able to operate various types of legal software for forms completion and child support calculations. A working familiarity with legal terminology, professional ethics, legal information management systems, public information contact techniques, and techniques to handle high emotional distress levels in litigants are all necessary for self-help center staff. The staff must also possess excellent listening skills and be able to competently teach basic legal procedure to self-represented litigants with diverse backgrounds, literacy or language issues, or learning disabilities. A current knowledge of legal and social community services currently available to self-represented litigants is essential so appropriate referrals can be made.

**C. Self-help centers conduct initial assessment of a litigant's needs (triage) to save time and money for the court and parties.**

Self-represented litigants need help in many areas of civil litigation. High numbers of individuals without legal representation are found in:

- Landlord/tenant
- Probate (including guardianships, conservatorships, and small estates)
- Small claims and consumer issues
- Family law
- Domestic violence
- Civil harassment
- Limited civil cases
- Traffic
- Misdemeanors
- Juvenile Dependency – caregivers
- Juvenile Delinquency – parents

It is clear that there are individuals who truly would be denied access to justice without full or partial representation by counsel. One of the most valuable services to the self-represented litigant is help with recognizing the need for legal counsel and referrals to appropriate legal resources in the community. This can create savings in court time otherwise spent repeatedly processing inaccurate or incomplete paperwork, calendaring unnecessary hearings, and dealing with repeated requests for legal advice made to judicial officers and other court staff. It also helps to discourage people from initiating complex lawsuits without legal representation in subject matter areas that require costly expert witnesses, difficult evidentiary proof, and other challenges impossible for a self-represented litigant to overcome.

Local courts should develop information regarding resources in their communities for those who need representation and implement appropriate referral systems. The self-help centers should be encouraged to work with qualified legal aid organizations and pro bono programs that can provide full representation, as well as certified lawyer referral and information services. Courts should support local bar associations and lawyer referral services programs to develop a panel of attorneys who provide unbundled legal services. Local courts can play a leadership role in encouraging discussion and development of seamless referral systems in their communities so members of the public can easily access the appropriate level of service. (Please refer to the diagram of service levels in Appendix 4.)

Identifying a litigant's issues and determining the adequate degree of necessary support early in the process increases court efficiency and allows for the most prudent allocation of resources. This assessment (triage) should occur when an individual first arrives at the self-help center seeking help and be reviewed when the individual returns to the self-help center. A qualified member of the court staff should conduct a brief needs assessment and direct the person appropriately. Staff need to know how to ask detailed direct questions to immediately identify the needs of the self-represented litigant and potential barriers such as language issues. Information on appropriate accommodations for litigants with disabilities should also be provided. Early intervention to assist with the correct completion of paperwork, explain procedural requirements including filing fees and costs, and provide basic information about court processes can save time for the court clerks, as well as the courtroom staff, and should avoid unnecessary continuances. These functions contribute greatly toward increasing public trust and confidence in the courts.

**D. Court-based self-help centers serve as focal points for countywide or regional programs for assisting self-represented litigants in collaboration with qualified legal services, local bar associations, law libraries, and other community stakeholders.**

Valuable support for those seeking assistance can be provided outside the court structure. It is strongly recommended that other effective efforts to support self-represented litigants be continued and encouraged. Support for staffing, facilities, and other needs can be obtained through partnership agreements and other collaborative efforts with private nonprofit legal



programs; local bar associations; law libraries; public libraries; law schools and colleges; professional associations for psychologists, accountants, and process servers; and other community groups and organizations.

Through aggressive networking and collective effort, a greater amount of services can be provided and a larger number of self-represented litigants can be assisted. One court cited its positive experiences with a mediation program for landlord-tenant disputes sponsored by the local board of realtors. County law libraries have been reliable and traditional sources of support for self-represented litigants. Nonprofit legal services organizations are providing help in a number of counties through both direct services and the services of pro bono attorneys. Many rural courts have developed successful models of sharing facilitator and self-help attorney services between counties.

Successful use of volunteers has been achieved throughout the state. The task force has identified many sources of a large number of potential volunteers to assist in these programs, including members of local bar associations; law students; attorneys emeritus; high school, college, and graduate students; retired persons; paralegal students; and retired judicial officers.

Community-focused planning processes by the local courts have been successful in involving representatives of these many different service providers in collaborative efforts with the courts to develop and implement enhanced services, including assistance for self-represented litigants.

**E. Self-help centers provide ongoing assistance throughout the entire court process, including collection and enforcement of judgments and orders.**

The task force recognizes that the need for bilingual staff and legal information and education for self-represented litigants is not limited to the preparation of forms but extends throughout the court process. Continuing triage and assessment of cases is critical to make sure that those litigants who are not capable of self-representation can be identified and referred to appropriate legal services.

Self-help centers should be encouraged to include an array of tasks designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of such tasks include:

- (1) Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions;
- (2) Helping to conduct mediations or other settlement processes;
- (3) Offering assistance in status conferences, providing judicial officers with readiness information, and providing assistance to litigants with preparation of judgments;
- (4) Assisting in coordination of related cases and in development of optimal court operations to expedite cases involving self-represented litigants;
- (5) Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants;

- (6) Offering litigants information about enforcement of orders and judgments;
- (7) Providing information that can assist litigants to comply with court orders;
- (8) Serving as a single point of contact for community-based organizations and volunteers at the court; and
- (9) Making information available to litigants about how to get help with the appellate process.

Self-help centers must be diligent in providing notice to litigants that the self-help center is not providing them with legal advice, that services of the center are available to both sides of a case, and there are limits on the confidentiality of information given to the self-help center.

**F. Administration of self-help centers should be integrated within a county or region to the greatest extent possible.**

Whenever possible, court-based pro per assistance services should be integrated within a county or regional self-help center system. Smaller counties may be better able to serve self-represented litigants by pooling resources to create cross-county programs. Litigants often have legal issues covering more than one area of law. Self-help centers should therefore strive to cover the comprehensive range of service areas affecting self-represented litigants and include such existing programs as the family law facilitators. For example, litigants with child support problems will frequently need help with issues within family law other than child support. Litigants with unlawful detainer cases may also have family law or small claims cases. Juvenile dependency litigants may also have domestic violence cases.

An integrated program is the most cost-effective way to maximize attorney resources. It facilitates the sharing of information among staff, broadens the reliable referral base, increases the opportunities for in-house training and expansion of professional expertise, promotes uniform procedures and forms, and allows members of the public to bring all of their questions to one program. This is not to say that a self-help center would provide services in only one location. Services can be provided in multiple court locations, community outposts, law libraries, jails, mobile vans, or whatever places most effectively increase access by the public. Whenever possible, services should be offered in the evenings or weekends for people who cannot come to the self-help center during regular business hours.

**RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

**THE TASK FORCE RECOMMENDS THAT:**

- A. A resource library with materials for use by self-help centers in the local courts be maintained by the Administrative Office of the Courts (AOC).**

Collaborations between local court self-help centers are essential to the implementation of a statewide program. The purposes are to share best practices, increase consistency in the services provided and their delivery, increase efficiency of program development, and create an ability to address problems in a comprehensive manner. Critical work has already been done throughout the state to develop self-help materials to assist self-represented litigants with obtaining and enforcing court orders. Materials should be collected, expanded, and made available to local courts through resource libraries at the AOC and its regional offices. Web site designs, videos, brochures, translations, information packets, sample grant applications and partnership agreements, sample memorandums of understanding, volunteer training guides, and other materials can be easily replicated or modified for use in other parts of the state. Detailed information on self-represented litigant efforts that have been recognized with California court or bar awards should be showcased.

**B. Technical assistance be provided to courts on implementation strategies.**

The AOC should continue to provide funding to courts for the development, updating, and implementation of community-focused action plans for serving self-represented litigants. These planning efforts have been helpful to the courts in coordinating existing services as well as creating new services. The materials as a result of these planning efforts should be distributed statewide. Technical assistance should be provided to local courts in their efforts to serve self-represented litigants, including distributing information about promising and effective practices.

**C. Funding be sought for a telephone help-line service with access to AOC attorneys to provide legal and other technical assistance to local self-help center staff.**

The AOC should seek funding to provide assistance to the local courts by having staff available to assist with both legal subject matter expertise and knowledge about daily court operations. The AOC attorneys can serve as a resource for local self-help center staff and other court staff on legal and procedural matters involving self-represented litigants. Bilingual staff should be available to provide some telephone assistance to customers of court-based self-help centers that do not have bilingual staff available to answer questions.

**D. The AOC serve as a central clearinghouse for translations and other materials in a variety of languages.**

Self-represented litigants who face language and cultural barriers compose a significant segment of the Californians seeking access to justice without benefit of counsel. Several existing self-help programs have provided extensive services to non-English-speaking immigrants. Collaboration with local minority bar associations and other community nonprofit organizations should be fostered to help provide bilingual assistance. Creation of model protocols based on these achievements and the lessons learned, as well as a central clearinghouse and retention center for translations would be invaluable for courts with diverse populations. Key documents should be identified for translation and dissemination.

**E. The California Courts Online Self-Help Center be expanded.**

The California Courts Online Self-Help Center has provided assistance to an enormous number of Californians since its launch. In 2003, there were over 1.6 million users of the Web site. All Judicial Council forms can now be filled out online on this Web site. The AOC has now translated this site into Spanish and should create additional materials in other languages.

The self-help Web site should be expanded to include short videos in English and Spanish explaining various legal concepts critical to self-represented litigants, such as service of process, courtroom presentation, and the roles of judges and clerks. The Web site should include additional step-by-step guides and interactive features such as programs to help users decide where to file their cases, and prepare documents. Further development of Web site tools to assist the public in accessing legal information and to assist the court in serving the self-represented population of litigants should be supported and encouraged.

**F. The Judicial Council continue to simplify its forms and instructions.**

Recently the AOC has revised its domestic violence restraining order and adoption forms and instructions in a plain-English format. The response from the public has been very positive. Continued work to simplify forms and procedures, as well as to redesign forms in a plain-English format, should be supported and encouraged. Special attention should be given to fee waiver forms, and standardized procedures for issuing fee waivers should be implemented statewide.

The AOC should also continue its efforts to translate forms and instructions into more languages and to develop new forms that facilitate efficient case processing. The use of computer technology should be explored with respect to creating computerized documents that can impart content created in different counties and that allow pages to be tailored to meet the needs of users (including accommodations for people with different disabilities).

As advisory committees to the Judicial Council follow the Access Policy for Low-and Moderate-Income Persons adopted by the Judicial Council on December 18, 2001, and consider the impact of any proposed rules, forms, or procedures on low-income litigants, they should be especially mindful of the impact on self-represented litigants.

**G. Technical training and assistance to local courts in the development and implementation of self-help technology on countywide or regional basis be continued.**

Work has already been done on the development of technology designed to support self-help centers and provide distance-learning tools for the public. Examples are interactive forms programs; local Web site construction; videoconferencing for workshops, meetings, and court appearances; programs that allow clerks to create orders after hearings; expanded telephone systems for direct telephone assistance and direct-dial connections to language interpretation,

legal and other community services. The AOC should continue to assist local courts in developing these and other technologies to assist self-represented litigants and to provide training on how to incorporate technology into self-help centers.

**H. Support for increased availability of representation for low- and moderate-income individuals be continued.**

There are several approaches to meeting special needs and to increasing the availability of full representation for low- and moderate-income litigants. For example, partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services in California.

The Judicial Council has adopted a resolution encouraging pro bono legal assistance, and the Chief Justice has demonstrated his personal commitment to this effort in many ways, including writing letters in support of pro bono and appearing at the State Bar's Annual Meeting to personally present the State Bar President's Pro Bono Service Awards each year. Judicial officers should be advised of the many ways in which they can join the Chief Justice in supporting pro bono work and other legal service efforts consistent with the California Code of Judicial Ethics provisions on impartiality. Local courts should consider promoting pro bono work through the recognition of programs or other procedures that make pro bono commitment less onerous for a lawyer.

An additional strategy to increase representation is limited scope (unbundled) services. Limited scope representation allows a litigant to retain legal representation on a limited number of issues or tasks within a case, or for a single or limited number of court appearances. Many times it is the discovery process or judgment drafting that most challenges the self-represented litigant. Other times, the presence of an attorney at one hearing can help resolve a case. While full representation is optimal, the opportunity to retain counsel for a discrete portion of a case would be of enormous help to many. The concept of limited scope representation should continue to be pursued and supported. The AOC should provide training to judges and court staff on this concept and collaborate with the State Bar for the training of attorneys on limited scope representation.

**I. Work with the State Bar in promoting access for self-represented litigants be continued.**

Much can be accomplished by entities working together to promote access for self-represented litigants. These entities could help ensure coordination in developing resources and encourage efforts in this area. This could include recognizing and honoring, with awards and otherwise, individuals and organizations leading the way in providing access to self-represented litigants.

**J. Technical assistance related to self-represented litigants be provided to courts that are developing collaborative justice strategies.**

Many courts are now implementing collaborative justice strategies that integrate courts with community services. Examples are courts for mental health, juvenile justice, drug treatment, homeless, and community issues. Domestic violence courts have been implemented that collaborate with an array of service providers for families. Six mentor courts are in the process of developing a unified court for families model, and others have previously adopted this strategy. A number of the collaborative justice courts deal with high percentages of self-represented litigants. The AOC should provide technical assistance to these collaborative justice programs with issues relating to self-represented litigants. These courts provide holistic and helpful services for many self-represented litigants and should be encouraged.

### **RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

#### **THE TASK FORCE RECOMMENDS THAT:**

##### **A. Judicial officers handling large numbers of cases involving self-represented litigants be given high priority for allocation of support services.**

In reviewing the practices of courts throughout the state, it became apparent to the task force that frequently the least experienced and sometimes the least knowledgeable judicial officers were given an assignment with a high population of self-represented litigants. Because self-represented litigants often lack a sophisticated understanding of the law, basic fairness dictates that the judicial officer hearing a matter without attorneys should possess a comprehensive knowledge of the law. The importance of assigning suitable and talented judicial officers and staff who possess the requisite energy and enthusiasm to deal with calendars with a high volume of self-represented litigants cannot be overstated. Presiding judges must provide sufficient resources to allow judicial officers and staff to provide quality service to self-represented litigants. Such resources might include access to additional courtroom support staff, assignment to courtrooms with the largest available space, increased security, and self-help center attorneys available in the courtrooms to provide procedural assistance. All too often calendars with the greatest frequency of self-represented litigants receive the smallest proportion of court resources.

Many times a person's only experience with the court system is as a self-represented litigant in a family, small claims, traffic, or unlawful detainer case. This single experience can determine an individual's trust and confidence in the courts and influence his or her perception of government as a whole. People often share their views with family members, friends, and co-workers, so one experience can have a ripple effect, influencing levels of trust in government institutions among the general public, far beyond those with firsthand negative experience.

##### **B. Courts continue, or implement, a self-represented litigant planning process that includes both court and community stakeholders, and works toward ongoing coordination of efforts.**

Many courts have developed enormously effective self-represented litigant planning groups that include participants from other governmental agencies, local bar associations and legal services groups, and numerous community participants. Courts have also forged valuable relationships in their communities through the community-focused court planning process. Collaborative planning among these stakeholders must be an ongoing process. Courts should be encouraged to continue these community and court planning groups and to conduct regular meetings of stakeholders to discuss ways to coordinate and enhance resources for self-represented litigants.

#### **RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

##### **THE TASK FORCE RECOMMENDS THAT:**

- A. A formal curriculum and education program be developed to assist judicial officers and other court staff to serve the population of litigants who navigate the court without the benefit of counsel.**

The surveys conducted by local courts in developing action plans to serve self-represented litigants indicate that these litigants rate the availability of staff to answer questions as the most valuable service the court can provide. In contrast, a similar inquiry of court personnel suggested that self-represented litigants could best be served not through direct staff service, but through written materials and other self-help support. (See Appendix 3.) Such a dichotomy is also evident in survey and anecdotal information gathered by this task force. This gap must be bridged, and it is hoped that education will assist in doing just that.

Judicial officers and court staff receive nominal, if any, education to prepare them to address the unique issues presented by self-represented litigants. A lawyer who is well acquainted with court rules and procedures and accustomed to courtroom and courthouse practices represents the traditional litigant. Most self-represented litigants do not routinely use the court and consequently they face and present particular challenges when they attempt to effectively access the justice system. Indicators from courts that provide assistance to self-represented litigants point to the fact that better informed litigants help the courts run smoothly. It is hoped that by providing staff with better skills to address these challenges direct service efforts will be viewed as more feasible and productive.

Conventional judicial branch education has been premised on the assumption that the typical person interacting with the courts is an attorney or other person with at least minimal training in the law (such as, attorney services, paralegals, or legal secretaries). Due to a variety of factors previously discussed, the California courts are now serving an increasing number of self-represented litigants who have not had formal legal training or education, many of whom also

have very limited English proficiency. Those charged with the responsibility of providing court services to this expanding group of litigants need special education and training to ensure fair and efficient delivery of services. Research should be conducted with judicial officers and litigants to determine effective strategies for communicating with self-represented litigants and to manage courtrooms in an efficient manner that allows litigants to have trust and confidence in the court.

In recent years education was offered to prepare judicial officers and court staff to work more effectively with litigants with distinct needs such as children or persons living with disabilities. Much thought was given to how the courts could accommodate unique requirements and still maintain the neutrality crucial to every fair adversarial proceeding. A model and delivery methods should be developed to provide judicial officers and court staff with the skills necessary to ensure that the needs of self-represented litigants are accommodated effectively within the bounds of impartiality. Subject matter areas should include:

- Duty of the court toward self-represented litigants
- Ethical constraints when dealing with self-represented litigants
- Working with self-help center staff to promote courtroom efficiency
- Simple and ordinary English language skill
- Effective techniques for interacting with self-represented litigants
- Cultural competency
- Creation of a fair process that promotes the perception of fairness
- Community outreach and education
- Common issues for self-represented litigants, such as fee waiver requests

Education for temporary judges, security staff, bailiffs, and others who often have significant interaction with self-represented litigants, but who often do not receive training in how to work effectively with them, should be developed and made mandatory whenever possible.

**B. The AOC provide specialized education to court clerks to enhance their ability to provide the public with high-quality information and appropriate referrals, as well as to interact effectively with the self-help centers.**

Particular attention should be given to continuing and expanding the training and education of court clerks. The expectation that clerks should answer questions for the public as long as no legal advice is given makes the need for increased training and education critical. The information provided to the public should be reliable and of high quality. If clerks are assigned to support self-help center attorneys, additional education is required to ensure the competence of the services provided. Subject matter areas should include:

- The difference between legal advice and legal information
- Working with self-help center staff to provide effective service to the public
- Working with the local community to develop lists of services available to self-represented litigants



- Uniform procedures for handling fee waiver requests
- An overview of substantive and procedural issues relevant to self-represented litigants
- Self-help Web site information available to court staff
- Creation of the perception of fairness and equal treatment of all court users
- Effective skills in dealing with people in crisis
- Cultural competency
- Use of simple and ordinary English language skills when explaining legal procedures

**C. The AOC, in consultation with the California Judges Association, provide greater clarification of the extent to which judicial officers may ensure due process in proceedings involving self-represented litigants without compromising judicial impartiality.**

The degree to which a judge is responsible for ensuring a fair hearing, and deciding what measures can be taken to protect constitutional safeguards for all litigants without compromising judicial impartiality, is a source of stress for judicial officers and for court staff as well. In particular, the situation in which an attorney represents one party and the other party is self-represented creates an extremely difficult courtroom environment. Judicial education in this area should attempt to provide judges with techniques they can employ to ensure due process and protect judicial impartiality.

**RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH  
JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. The AOC continue to develop informational material and explore models to explain the judicial system to the public.**

Judicial officers should engage in community outreach and education programs consistent with standards of judicial administration. Public education programs can be conducted in collaboration with local bar associations, legal services, law libraries, and other members of the justice community. All too often the public forms its impressions and acquires its knowledge of the legal system based solely on how it is portrayed in the popular media. These depictions are often unrealistic and misleading and make it difficult for self-represented litigants to accurately anticipate and appropriately prepare for their day in court. To counter these distortions, judicial officers should be encouraged to engage in community outreach and education. Existing communication modes should be employed to better inform Californians about their courts.

Videotapes, speaker materials, and talking points on a variety of legal issues could be prepared for use by public-access television stations, self-help centers, law libraries, and other information outlets. Informational videotapes are shown before the court calendar is called in some courts to explain the basic procedures and legal issues to be covered. Development of educational materials describing court processes should be expanded. Presentations on cable television and public service announcements for radio and television should be considered. A law-related educational Web site should be developed for elementary school, middle school, and high school students. Programs such as Spanish-language radio programs should be encouraged to expand outreach to traditionally underserved populations. For example, information could be provided to alert immigrant populations in their native languages to the most commonly encountered differences between California's laws and those in their countries of origin.

**B. Efforts to disseminate information to legislators about services available to, and issues raised by, self-represented litigants be increased.**

Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants and to advise district and local staff as to how they might best direct constituents to services available to self-represented litigants. "Day on the Bench" events that courts conduct should include a visit to the self-help center. Collaborative intergovernmental endeavors to address the needs of self-represented litigants would be extremely productive.

**C. Local courts strengthen their ties with law enforcement agencies, local attorneys and bar associations, law schools, law libraries, domestic violence councils, and other appropriate governmental and community groups so that information on issues and services related to self-represented litigants can be exchanged.**

Local courts should make more training available to law enforcement agencies that must enforce the domestic violence, custody and visitation, eviction, and other orders made by the court. A law enforcement agency can be asked to enforce orders for which the individual seeking assistance has no written document, or arguing parties may present an officer with orders that appear to conflict. Information should be made available about enforcement of orders for self-represented litigants and the ways in which these orders can be modified through the court process. Courts should be encouraged to solicit ongoing input from law enforcement staff about problems they are experiencing enforcing court orders in the field. All participants in the justice community have valuable information that should be shared to the greatest extent possible.

The California justice structure represents a continuum of effort, beginning many times with an officer on the street and ending at some point in the court system. The need for cooperative and collaborative efforts to ensure efficient and consistent administration of justice, both in practice and in perception, must be instilled. Additionally local bar associations, law libraries, and other appropriate governmental and community groups should be consulted with regularly to share information on the needs of self-represented litigants and the services available for them. Collaborative training and outreach efforts should be encouraged.

**D. The Judicial Council continue to coordinate with the State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other statewide entities on public outreach efforts.**

Under the direction of the Judicial Council, coordination efforts among the AOC, State Bar of California, Legal Aid Association of California, California Commission on Access to Justice, Council of California County Law Librarians and other appropriate community organizations are critical to distributing information about statewide efforts and to supporting the work of local courts. Efforts to encourage community groups to assist litigants in using self-help Web sites and other technological resources are one example of outreach activities as are cosponsored conferences and workshops.

**E. Local courts be encouraged to identify and reach out to existing efforts to better serve self-represented litigants.**

Judicial officers and court administrators should be encouraged to identify and reach out to existing community efforts to better serve self-represented litigants. The task force is mindful of the need for judicial officers and courts to uphold the integrity and independence of the judiciary but believes local courts can work closely with appropriate partners without creating any appearance of partiality. Law librarians are an apt example of an appropriate court partner. They have expressed a strong desire to join forces with courts to provide services to self-represented litigants. The task force recognizes the extraordinary work law librarians currently do and the remarkable contribution they can make in cooperation with local self-help centers. Courts should seek out others in the community who can make similar contributions.

**RECOMMENDATION VI: FACILITIES**

**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. Court facilities plans developed by the AOC include space for self-help centers near the clerks' offices in designs for future courthouse facilities or remodeling of existing facilities.**

A self-help center should be as close to the counter clerk's office as possible. Adequate space should be provided for self-help center staff to provide services to the public. Self-represented litigants need space to sit and work on their paperwork. Space should be available to conduct mediations with self-represented litigants. To maximize staff resources, space to conduct workshops should be provided. Copiers, computers, and other technological resources should be available in the self-help centers for self-represented litigants to use.

Courts should periodically assess how easy it is for court users to get around the courthouse. One idea is to develop an access checklist for court personnel to use that enables them to see the courthouse through the eyes of a first-time user. The tool should consider signage, how easy it is to find the self-help center, and other issues self-represented litigants face in navigating the court. Identification of courtrooms, including numbering, should be focused on helping the public easily find the correct location.

**B. Facilities include sufficient space for litigants to conduct business at the clerk's office.**

Court facilities should provide sufficient space for litigants to wait while conducting business. Waiting areas can contain written information, posters, flowcharts, and other types of information that help litigants be better informed by the time they reach the clerk's window.

**C. Facilities include sufficient space around courtrooms to wait for cases to be called, meet with volunteer attorneys, conduct settlement talks, and meet with mediators, interpreters, and social services providers.**

Frequently calendars with a high percentage of self-represented litigants are fairly large. This can be particularly true in family law. It is important for the safety of all concerned that a safe and sufficient space is provided for litigants to wait for their cases to be called. Problems arise if there is not enough space to sit in the courtrooms or the space is overcrowded, and the litigants are forced to wait in hallways without the support of courtroom staff. Space should also be made available at or near courtrooms for litigants to meet with service providers such as mediators, volunteer attorneys, interpreters, or social services providers.

**D. Facilities include children's waiting areas for the children of litigants who are at the court for hearings or to prepare and file paperwork.**

Litigants are often forced to bring children with them. Lack of funds or available child care is a common problem. Litigants are not able to supervise young children and also pay attention to instructions given to them by court staff. Without appropriate accommodations, children run unsupervised in the halls of the courthouse while the litigant is filling out forms. This creates frustration for other court users, court staff, and the parents. Valuable time is wasted, and safety is compromised.

Litigants often cannot find child care on the days of their hearings. Children are not allowed in the courtrooms in many family law departments. There is no way the parent can effectively participate in a hearing and handle a child at the same time. Again, this creates frustration for litigants and increased burden on court staff. Properly staffed children's waiting areas should be incorporated into all facilities. Courts should be encouraged to use the provisions of Government Code section 26826.3 to provide funding to staff these waiting rooms.

**E. Information stations that provide general information about court facilities and services be placed near court entrances.**

Information stations situated near entrances have proven to be very helpful to litigants in navigating their way around the court. Bilingual staff should be available whenever possible. This can be an ideal use of volunteers from the community who have no legal training. Litigants can be directed to their desired locations and to self-help centers and other resources. General questions about how to use the facility and the location of services can be addressed, and information about assistance for litigants with special physical and language needs can be available. Kiosks with general information about the court can be most useful when staff is unavailable.

**F. Maps and signage in several languages be provided to help self-represented litigants find their way around the courthouse.**

Signs, maps, and floor-plan charts have all proved useful to the public for providing information about how to use the courthouse. These should be translated into several languages. Universal signage should be developed to help litigants find common services, such as an information station.

**RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. Continued stable funding be sought to expand successful existing programs statewide.**

The Judicial Council should seek stable funding to support and expand valuable existing programs such as the family law information centers, family law facilitators, self-help pilot projects, planning grants for self-represented litigants projects, the Unified Courts for Families project, and the Equal Access Partnership Grant projects. Funding should be sought to expand successful pilot programs throughout the state.

Current programs operating to meet the needs of self-represented litigants rely on a variety of funding sources. Until adequate and stable funding is included in the judicial branch's appropriation, there can be no assurance that self-represented litigants throughout the state will have equal access to justice. Regrettably, access to justice presently is often dependent on the resourceful and vigilant efforts of local courts and communities to secure funding to support services for these litigants. It is imperative that the Judicial Council continue to explore and pursue funding strategies for self-represented litigant services.

Increases in filing fees to subsidize self-help centers were not considered appropriate at this time in light of competing critical needs such as court facilities and the fact that court fees are already heavily laden with a variety of special assessments. Should a realistic opportunity for the institution of such fees arise, it should be pursued.

Given the dire fiscal circumstances facing the state of California, and the judicial branch in particular, the task force felt it would be remiss if it did not consider policies and practices that may have potential for revenue generation. In that vein the task force considered the concept of user fees by including it in their first draft action plan. Comments received from experts in the fields of court administration and the administration of community legal services were highly negative. The Task Force was advised fees for self-help center services would not be cost effective. It was predicted that the costs of administration would exceed collections and detract significantly from the time available to provide services to the public and to the court itself. Concerns were also raised about the increased possibility of litigants believing that they were establishing an attorney-client relationship. Consequently, the task force has eliminated further pursuit of this strategy from its recommendations.

**B. The AOC identify, collect, and report on data that support development of continued and future funding for programs for self-represented litigants.**

The task force is very mindful of the current fiscal circumstances in California and recognizes the need for a thoughtful and cost-effective plan. A number of the suggested initiatives require ongoing funding and dovetail with ongoing work of the Judicial Council and the trial courts. Other proposals require new funding. Work needs to begin to develop a basis for continued and future funding. An attempt has been made to put forward measures that will save money as a result of consolidation, standardization, and other efficiencies.

Understanding that demonstrated need is a basic component of any successful funding request, the task force has tried to identify sources from which compelling data might be collected. The Judicial Branch Statistical Information System (JBSIS) should include information on whether or not one or both litigants are represented by counsel in all categories of cases. Existing operational data should be used whenever possible, and any additional data requirement should be coordinated in a manner likely to cause the least burden on the local courts. The information should be collected and reported by the AOC.

In addition to collecting uniform statistics from courts, a survey of local and state legislators should be considered to determine the number of constituent contacts they receive from self-represented litigants requesting legal assistance. Current information on state and local poverty demographics should be compiled and synthesized. Other community agencies may have data to assist in determining legal needs in specific areas. For example, organizations serving victims of domestic violence, the elderly or the homeless may also be able to contribute specific instances of demonstrated need for legal services. Needs assessments conducted by legal service providers and by other organizations such as the United Way are other sources of information.

**C. Standardized methodologies to measure and report the impact of self-help efforts continue to be developed.**

In addition to needs for service, the impact of programs for self-represented litigants must be documented and reported on. The AOC is currently conducting two major evaluations of self-help programs, and the results of those evaluations should be disseminated when completed in March 2005. The evaluation tools developed by these projects should be distributed to the courts to assist them in evaluating their local self-help centers. Strategies for determining and documenting cost savings would be of particular value.

Quality, not just quantity, of service must be calculated in evaluation of these programs. The impact of these services must be measured. Uniform definitions of terms must be established to allow for valid comparisons. New tools must be designed and implemented to capture efficacy data. Standard and periodic exit surveys or customer satisfaction inquiries should be considered throughout the state. These results will not only gauge success of a particular program, they will be useful in determining the relative effectiveness of individual parts of a program as compared with other services. A method should be crafted by which the impact of the self-help centers in expediting cases may be assessed. Examples of possible tools include review of court operations data, judicial surveys, and surveys of court staff. The effectiveness of computer and Web-based self-help programs should be studied.

**D. Uniform standards for self-help centers be established to facilitate budget analysis.**

Basic minimum standards should be established statewide. Criteria should include minimum staffing levels and qualifications, facilities requirements, referral systems, levels of service provided, and hours of operation. These standards should be incorporated into the development of uniform definitions of terms for the purpose of gathering meaningful data. The standards should be used to assist the courts in establishing a baseline for funding for self-help activities to assure equal access to core self-help assistance throughout the state.

**E. Efforts of the courts to seek supplemental public funding from local boards of supervisors and other such sources to support local self-help centers be supported and encouraged.**

Although we now have state court funding, many counties have made the decision to support local self-help projects and have worked out partnerships with their local courts and legal services programs to enhance their budgets for assistance to self-represented litigants. This represents an understanding by county governments of the constituent need for such services. It is hoped these endeavors will serve as an example for other counties of a sensible expenditure of public funding for meaningful constituent services.

**F. Coordination of efforts among programs assisting self-represented litigants should be stressed to maximize services and avoid duplication.**

Whenever possible, courts should look at the possibility of coordinating existing self-help assistance to save costs and provide more cohesive services for litigants. Courts should examine the possibility of co-locating with existing resources such as law libraries. Courts should also work closely with programs funded through the Dispute Resolution Program Act and Small Claims Advisors Act and seek to ensure collaboration whenever possible.

**G. AOC assistance with grant applications and other resource-enhancing mechanisms continue to be offered to local courts.**

The Judicial Council, through the AOC, should continue to provide assistance to local courts on how to obtain grant funding, offer centralized purchasing options to enhance buying power, and otherwise support local courts in obtaining resources for self-help efforts. Generic materials should be developed for the courts to use in seeking grants from appropriate outside sources.

**RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

**THE TASK FORCE RECOMMENDS THAT:**

**A. The implementation task force consult with experts in the areas of judicial education, court facilities, legislation, judicial finance and budgeting, court administration and operations, and court-operated self-help services, as well as with partners such as bar associations, legal services, law libraries, and community organizations.**

The implementation of well-designed programs for self-represented litigants that effectively facilitate the expeditious management of their cases in court requires knowledgeable input from all levels of court operations. Participation of judicial officers and self-help attorneys is imperative. Expertise in court management, operations, facilities, and budgeting is also required. Additional expertise is needed in the areas of legislation and education for judicial officers and other court staff. Representatives of partners such as legal services programs, bar associations, law libraries, and community agencies should also be included.

**B. The number of members on the implementation task force should be limited, but members should be charged with the responsibility to seek input from non-members with unique knowledge and practical experience.**

Effective implementation of a comprehensive statewide plan to meet the needs of self-represented litigants requires varied and extensive subject matter expertise, knowledge and



understanding of practical concerns, and an in-depth understanding of court operations. It is believed that an implementation task force that included members who can provide all this information would be so large that it would be unworkable.

With this concern in mind, the task force recommends that the implementation task force membership be limited but include members who have ready access to a variety of groups and individuals who could serve as resources on an as-needed basis. Examples potential members or potential sources of expertise would include representatives from the bench who have accumulated knowledge and experience in cases involving self-represented litigants, the family law facilitators, self-help center attorneys or staff members, law librarians, Judicial Council advisory committees, legal services organizations, the Commission on Access to Justice, or State and local bar association committees and sections.

### **Conclusion**

This task force has worked to develop a comprehensive statewide plan that addresses the critical need of courts to effectively manage cases involving self-represented litigants while providing assistance to the public. The handling of self-represented litigants is a daily business event at every level of the court operations – from filing through calendaring, records management, and courtroom hearings. As courts plan during this period of fiscal austerity, attention to the reality of these cases will be imperative for any realization of net savings. Providing assistance to self-represented litigants clearly addresses the need of the self-represented public for information, but it is also a matter of administrative efficiency for courts. The task force believes that by directly confronting the enormity of pro per litigation, courts can improve the quality of their service to the public and reduce the time and cost of service delivery.

While many litigants will need full or partial representation, the self-represented litigant population continues to grow and is well documented nationally and even internationally. California, in recognizing that the courts have a duty to provide all Californians with a fair and efficient process by which to resolve their disputes, has been in the forefront of the effort to provide services to self-represented litigants and thereby increase access to justice. In so doing, the critical need for courts to include planning for the effective management of cases involving self-represented litigants has become clear.

Courts are recognizing the cost benefits of attorney-supervised self-help centers in cases involving self-represented litigants. Cost savings have been found in reduction of time for judges and other court staff, elimination of inaccurate paperwork and unnecessary continuances, and expeditious case management and settlement services. These are but a few of the ways that self-help techniques work to maximize scarce resources for the courts.

As Chief Justice Ronald M. George has noted, the population appearing in today's courts has changed in every respect and, as a result, so have society's expectations. California can and should continue its leadership role in this regard.

## JUDICIAL COUNCIL TASK FORCE ON SELF-REPRESENTED LITIGANTS ACTION PLAN

### **RECOMMENDATION I: SELF-HELP CENTERS**

**IN ORDER TO EXPEDITE THE PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND INCREASE ACCESS TO JUSTICE FOR THE PUBLIC, COURT-BASED, STAFFED SELF-HELP CENTERS SHOULD BE DEVELOPED THROUGHOUT THE STATE.**

#### **THE TASK FORCE RECOMMENDS THAT:**

##### **Strategies:**

- |             |  |
|-------------|--|
| <b>I.A.</b> | <p><b>THE JUDICIAL COUNCIL CONTINUE TO RECOGNIZE SELF-HELP SERVICES AS A CORE FUNCTION OF THE TRIAL COURTS AND IDENTIFY THESE SERVICES CONSISTENTLY IN THE BUDGETARY PROCESS.</b></p> <ol style="list-style-type: none"> <li>1. Effective self-help services and management of cases involving self-represented litigants should be budgeted consistently.</li> <li>2. Judicial Council budget request forms should reflect these services as a core court function.</li> </ol>  |
| <b>I.B.</b> | <p><b>COURTS USE COURT-BASED, ATTORNEY-SUPERVISED, STAFFED SELF-HELP CENTERS AS THE OPTIMUM WAY TO FACILITATE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS, TO INCREASE ACCESS TO THE COURTS AND IMPROVE DELIVERY OF JUSTICE TO THE PUBLIC.</b></p> <ol style="list-style-type: none"> <li>1. Methods of service delivery may vary according to the needs of the individual and the legal complexities of the case.</li> <li>2. For cases in which self-study methods are sufficient, written materials, forms with instructions, Web site information, videos, and other materials should be made available.</li> <li>3. Personal contact with self-help center staff by telephone, workshop, or individual assistance is usually the most helpful type of service.</li> <li>4. Sufficient support staff should be provided to self-help center attorneys through possible redeployment of existing court staff.</li> <li>5. Services may be provided at the court, or in community centers, mobile vans, libraries, jails, or other community locations.</li> </ol>  |
| <b>I.C.</b> | <p><b>SELF-HELP CENTERS CONDUCT INITIAL ASSESSMENT OF A LITIGANT'S NEEDS (TRIAGE) TO SAVE TIME AND MONRY FOR THE COURT AND PARTIES.</b></p> <ol style="list-style-type: none"> <li>1. When an individual first arrives at the courthouse seeking help, a qualified member of the self-help center staff should conduct a brief needs assessment and direct the person appropriately.</li> <li>2. The self-help centers should be encouraged to work with qualified legal aid organizations that can provide full representation as well as with certified lawyer referral and information services and should encourage the development of panels of attorneys providing unbundled services.</li> <li>3. Early intervention by self-help center staff to assist with the correct completion of paperwork, explain procedural requirements, and provide basic information about court processes can save time for the court clerks, as well as courtroom staff, and can prevent unnecessary continuances.</li> <li>4. Some individuals can only gain meaningful access to the court with full-service legal representation. To meet that need: <ul style="list-style-type: none"> <li>• Courts should develop guidelines to identify those who seek representation and a system of referrals.</li> <li>• Self-help centers should work with certified lawyer referral services, State Bar qualified legal services, and pro bono programs.</li> <li>• Local courts should promote pro bono representation with recognition programs or other incentives for attorneys.</li> </ul> </li> </ol> |

## **Recommendation I: Self-Help Centers – continued**

### **Strategies – continued**

<b>I.D.</b>	<p><b>COURT-BASED SELF-HELP CENTERS SERVE AS FOCAL POINTS FOR COUNTYWIDE OR REGIONAL PROGRAMS FOR ASSISTING SELF-REPRESENTED LITIGANTS IN COLLABORATION WITH QUALIFIED LEGAL SERVICES, LOCAL BAR ASSOCIATIONS, AND OTHER COMMUNITY STAKEHOLDERS.</b></p> <ol style="list-style-type: none"><li>1. Partnerships with organizations such as nonprofit legal services; bar associations; public institutions; law libraries and public libraries; professional associations for psychologists, accountants, and process servers; and other appropriate organizations should be continued.</li><li>2. Aggressive networking and collaborative efforts can maximize resources in numerous ways, such as:<ul style="list-style-type: none"><li>• Providing facilities for workshops</li><li>• Providing mediation</li><li>• Providing assistance at law libraries</li><li>• Providing volunteer accounting or psychological assistance in appropriate cases</li></ul></li><li>3. Collaborative efforts can also provide volunteer staffing resources, such as:<ul style="list-style-type: none"><li>• Local attorneys, attorneys emeritus, and retired judicial officers for the self-help centers</li><li>• Law student interns</li><li>• Other student volunteers</li></ul></li><li>4. The Judicial Council should continue to support ongoing community-focused strategic planning.</li></ol>
<b>I.E.</b>	<p><b>SELF-HELP CENTERS PROVIDE ONGOING ASSISTANCE THROUGHOUT THE ENTIRE COURT PROCESS, INCLUDING COLLECTION AND ENFORCEMENT OF JUDGMENTS AND ORDERS.</b></p> <ol style="list-style-type: none"><li>1. Existing self-help resources should be coordinated to incorporate programs such as the family law facilitator, the small claims advisor, court-based legal services, and other programs into centers where both family law and civil law information are provided.</li><li>2. Self-help centers should be encouraged to include an array of services designed to assist the public and the court in the processing of cases involving self-represented litigants. Examples of these services include:<ul style="list-style-type: none"><li>• Positioning staff in the courtrooms to prepare orders, assist in reaching agreements, or answer questions</li><li>• Helping to conduct mediation and other settlement processes</li><li>• Offering assistance in status conferences, providing judicial officers with readiness information and providing assistance to litigants with the preparation of orders and judgments</li><li>• Assisting in coordination of related cases and in development of optimal court operations</li><li>• Serving as a resource for judicial officers and court staff on legal and procedural issues affecting self-represented litigants</li><li>• Offering litigants information about enforcement of orders and judgments</li><li>• Providing information that can assist litigants about comply with court orders</li><li>• Serving as a single point of contact for community-based organizations and volunteers at the court</li><li>• Making information available to litigants about how to get help with the appellate process</li></ul></li></ol>

**Recommendation I: Self-Help Centers – continued**

**I.F**

**ADMINISTRATION OF SELF-HELP CENTERS SHOULD BE INTEGRATED TO THE GREATEST EXTENT POSSIBLE.**

1. Self-help centers should provide a comprehensive group of services and include such programs as the family law facilitator.
2. Consolidation of services should enhance the ability to:
  - Maximize attorney resources
  - Facilitate information sharing among staff
  - Broaden a reliable referral base
  - Increase opportunities for in-house trainings
  - Promote uniform procedures and forms
  - Allow members of the public to bring all their questions to one place
  - Set schedules to make the most efficient use of resources

## **RECOMMENDATION II: SUPPORT FOR SELF-HELP SERVICES**

**A SYSTEM OF SUPPORT SHOULD BE DEVELOPED AT THE STATE LEVEL TO PROMOTE AND ASSIST IN THE CREATION, IMPLEMENTATION, AND OPERATION OF THE SELF-HELP CENTERS AND TO INCREASE THE EFFICIENT PROCESSING OF CASES INVOLVING SELF-REPRESENTED LITIGANTS.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>II.A.</b>	<b>A RESOURCE LIBRARY WITH MATERIALS FOR USE BY SELF-HELP CENTERS IN THE LOCAL COURTS BE MAINTAINED BY THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC).</b> <ol style="list-style-type: none"><li>1. Materials that have been developed to assist self-represented litigants with obtaining and enforcing court orders should be collected and maintained. Examples include:<ul style="list-style-type: none"><li>• Web site designs, videos, brochures, translations, and informational packets</li><li>• Administrative materials such as partnership agreements, memorandums of understanding, and volunteer training guides</li><li>• Detailed information on self-represented litigant efforts that have been recognized by California court or other awards</li></ul></li></ol>
<b>II.B.</b>	<b>TECHNICAL ASSISTANCE BE PROVIDED TO COURTS ON IMPLEMENTATION STRATEGIES.</b> <ol style="list-style-type: none"><li>1. Regional conferences, training sessions, and online meetings should be planned.</li><li>2. The AOC have knowledgeable staff available to provide legal subject matter and operations assistance to local courts.</li></ol>
<b>II.C.</b>	<b>FUNDING BE SOUGHT FOR A TELEPHONE HELP-LINE SERVICE WITH ACCESS TO AOC ATTORNEYS TO PROVIDE LEGAL AND OTHER TECHNICAL SUPPORT TO LOCAL SELF-HELP CENTER STAFF.</b> <ol style="list-style-type: none"><li>1. AOC attorneys serve as a resource for local programs.</li><li>2. Experts in legal and procedural subject matters and court operations should be available.</li><li>3. Bilingual staff should be available.</li></ol>
<b>II.D.</b>	<b>THE AOC SERVE AS A CENTRAL CLEARINGHOUSE FOR TRANSLATIONS AND OTHER MATERIALS IN A VARIETY OF LANGUAGES.</b> <ol style="list-style-type: none"><li>1. Model protocols based on the success of self-help centers that provide services in languages in addition to English should be created.</li><li>2. A clearinghouse for translations and other materials should be developed.</li></ol>
<b>II.E.</b>	<b>THE CALIFORNIA COURTS ONLINE SELF-HELP CENTER BE EXPANDED.</b> <ol style="list-style-type: none"><li>1. Efforts to expand the California Courts Online Self-Help Center should:<ul style="list-style-type: none"><li>• Provide additional material in different languages.</li><li>• Add short videos in English and Spanish to explain concepts such as service of process and courtroom presentations.</li><li>• Create interactive features and step-by-step guides.</li><li>• Continue to add additional information.</li></ul></li></ol>

## Recommendation II: Support for Self-Help Services – continued

### Strategies – continued

<b>II.F.</b>	<b>THE JUDICIAL COUNCIL CONTINUE TO SIMPLIFY ITS FORMS AND INSTRUCTIONS.</b> <ol style="list-style-type: none"> <li>1. Translation of forms and instructions into “plain language” should be expanded.</li> <li>2. Work on simplification of forms and instructions should continue.</li> <li>3. Efforts to translate forms and instructions into more languages should continue.</li> <li>4. Forms for use with limited scope (unbundled) legal services should be developed.</li> <li>5. Computerized forms that can create case-specific documents and meet the needs of persons with disabilities should be expanded.</li> </ol>
<b>II.G.</b>	<b>TECHNICAL TRAINING AND ASSISTANCE TO LOCAL COURTS IN THE DEVELOPMENT AND IMPLEMENTATION OF SELF-HELP TECHNOLOGY ON COUNTYWIDE OR REGIONAL BASIS BE CONTINUED.</b> <ol style="list-style-type: none"> <li>1. The AOC to provide training to self-help centers on the use of technology and how to guide self-represented litigants</li> <li>2. The AOC to assist in development of self-represented litigant technology, such as: <ul style="list-style-type: none"> <li>• Interactive forms programs and programs to help litigants develop agreements</li> <li>• Local Web site enhancement</li> <li>• Videoconferencing for workshops, meetings, and court appearances</li> <li>• Telephone help-lines and direct telephone lines to legal and social services resources in the community</li> <li>• Programs for clerks to draft orders after hearings in the courtrooms</li> <li>• Audiotapes in English and other languages with information on forms preparation, procedures, and the courtroom</li> </ul> </li> </ol>
<b>II.H.</b>	<b>SUPPORT FOR INCREASED AVAILABILITY OF REPRESENTATION FOR LOW- AND MODERATE-INCOME INDIVIDUALS BE CONTINUED.</b> <ol style="list-style-type: none"> <li>1. Partnerships between the judicial branch and nonprofit legal services organizations, the State Bar of California and local bar associations, the California Commission on Access to Justice, and the Legal Services Trust Fund Commission should be continued to increase funding for legal services.</li> <li>2. Judicial officers should be advised of ways in which they can join with the Chief Justice in increasing pro bono work and other legal services, consistent with the Code of Judicial Ethics.</li> <li>3. The provision of limited scope (unbundled) legal representation should be supported by training judicial officers and court staff and by collaborating with the State Bar for attorney training.</li> </ol>
<b>II.I.</b>	<b>WORK WITH THE STATE BAR IN PROMOTING ACCESS FOR SELF-REPRESENTED LITIGANTS BE CONTINUED.</b> <ol style="list-style-type: none"> <li>1. The organizations should continue to coordinate in developing resources.</li> <li>2. Honors and awards for efforts to assist self-represented litigants should be given.</li> </ol>
<b>II.J.</b>	<b>TECHNICAL ASSISTANCE RELATED TO SELF-REPRESENTED LITIGANTS BE PROVIDED TO COURTS THAT ARE DEVELOPING COLLABORATIVE JUSTICE STRATEGIES.</b> <ol style="list-style-type: none"> <li>1. The AOC should provide assistance to courts with collaboration justice programs, such as: <ul style="list-style-type: none"> <li>• Unified Courts for Families; Family drug courts; Domestic violence courts</li> </ul> </li> </ol>

### **RECOMMENDATION III: ALLOCATION OF EXISTING RESOURCES**

**PRESIDING JUDGES AND EXECUTIVE OFFICERS SHOULD CONSIDER THE NEEDS OF SELF-REPRESENTED LITIGANTS IN ALLOCATING EXISTING JUDICIAL AND STAFF RESOURCES.**

#### **THE TASK FORCE RECOMMENDS THAT:**

##### **Strategies:**

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|---------------|---|
| <b>III.A.</b> | <b>JUDICIAL OFFICERS HANDLING LARGE NUMBERS OF CASES INVOLVING SELF-REPRESENTED LITIGANTS BE GIVEN HIGH PRIORITY FOR ALLOCATION OF SUPPORT SERVICES.</b> <ol style="list-style-type: none"><li>1. The assignment of experienced, talented, and energetic judicial officers with a comprehensive knowledge of the substantive law to departments with high numbers of self-represented litigants—such as family law, small claims, traffic, or unlawful detainer—should be encouraged.</li><li>2. Judicial officers in assignments with large pro per populations should have additional staff support.</li><li>3. Courtroom assistance by a self-help center attorney should be available to judicial officers and pro pers.</li><li>4. Sufficient courtroom staff should be provided to allow for efficient flow of calendars.</li></ol> |
| <b>III.B.</b> | <b>COURTS CONTINUE, OR IMPLEMENT, A SELF-REPRESENTED LITIGANT PLANNING PROCESS THAT INCLUDES BOTH COURT AND COMMUNITY STAKEHOLDERS AND WORKS TOWARD ONGOING COORDINATION OF EFFORTS.</b> <ol style="list-style-type: none"><li>1. Working groups that have been formed for local action planning for self-represented litigants should be ongoing and active.</li><li>2. There should be monthly meetings of local stakeholders.</li><li>3. Participants might include the court, legal services programs, other governmental agencies, local bar associations, law libraries, public libraries, law schools, community colleges, other schools, community social services providers, and a wide variety of other community-based groups.</li></ol>   |

## **RECOMMENDATION IV: JUDICIAL BRANCH EDUCATION**

**IN ORDER TO INCREASE THE EFFICIENCY OF THE COURT AND TO MINIMIZE UNWARRANTED OBSTACLES ENCOUNTERED BY SELF-REPRESENTED LITIGANTS, A JUDICIAL BRANCH EDUCATION PROGRAM SPECIFICALLY DESIGNED TO ADDRESS ISSUES INVOLVING SELF-REPRESENTED LITIGANTS SHOULD BE IMPLEMENTED.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **STRATEGIES:**

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|--------------|--|
| <b>IV.A.</b> | <p><b>A FORMAL CURRICULUM AND EDUCATION PROGRAM BE DEVELOPED TO ASSIST JUDICIAL OFFICERS AND OTHER COURT STAFF TO SERVE THE POPULATION OF LITIGANTS WHO NAVIGATE THE COURT WITHOUT THE BENEFIT OF COUNSEL.</b></p> <ol style="list-style-type: none"><li>1. Curriculum development recently implemented to accommodate the needs of children in the courtroom should be used as a model for assisting self-represented courtroom participants while maintaining neutrality.</li><li>2. Pro tem judges should be included in this training. Subject matter should include:<ul style="list-style-type: none"><li>• The duty of the court toward self-represented litigants</li><li>• Ethical constraints when dealing with pro pers</li><li>• Working with self-help center staff to promote efficiency in the courtroom</li><li>• Plain-English language skills</li><li>• Effective techniques for interacting with self-represented litigants</li><li>• Cultural competence</li><li>• Community outreach and education</li></ul></li></ol>   |
| <b>IV.B.</b> | <p><b>THE AOC PROVIDE SPECIALIZED EDUCATION TO COURT CLERKS TO ENHANCE THEIR ABILITY TO PROVIDE THE PUBLIC WITH HIGH-QUALITY INFORMATION AND APPROPRIATE REFERRALS, AS WELL AS TO INTERACT EFFECTIVELY WITH THE SELF-HELP CENTERS.</b></p> <ol style="list-style-type: none"><li>1. Subject matter should include:<ul style="list-style-type: none"><li>• The difference between legal advice and legal information</li><li>• Working with self-help center staff to provide effective service to the public</li><li>• Community services available to self-represented litigants and coordination with staff to keep information current</li><li>• Uniform procedures for handling fee waiver requests</li><li>• An overview of substantive and procedural issues relevant to self-represented litigants</li><li>• Self-help Web site information available to court staff</li><li>• Creation of the perception of fairness and equal treatment of all court users, including cultural competence</li><li>• Effective skills in dealing with people in crisis</li><li>• Use of simple and ordinary English language skills when explaining legal procedures</li></ul></li></ol> |
| <b>IV.C</b>  | <p><b>THE AOC, IN CONSULTATION WITH THE CALIFORNIA JUDGES ASSOCIATION, PROVIDE GREATER CLARIFICATION OF THE EXTENT TO WHICH JUDICIAL OFFICERS MAY ENSURE DUE PROCESS IN PROCEEDINGS INVOLVING SELF-REPRESENTED LITIGANTS WITHOUT COMPROMISING JUDICIAL NEUTRALITY.</b></p> <ul style="list-style-type: none"><li>• Courtroom techniques when one party is represented and another is not</li><li>• Appropriate methods to help gain important information from pro pers without compromising neutrality</li></ul>  |



## **RECOMMENDATION V: PUBLIC AND INTERGOVERNMENTAL EDUCATION AND OUTREACH**

**JUDICIAL OFFICERS AND OTHER APPROPRIATE COURT STAFF SHOULD ENGAGE IN COMMUNITY OUTREACH AND EDUCATION PROGRAMS DESIGNED TO FOSTER REALISTIC EXPECTATIONS ABOUT HOW THE COURTS WORK.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>V.A.</b>	<b>THE AOC CONTINUE TO DEVELOP INFORMATIONAL MATERIAL AND EXPLORE MODELS TO EXPLAIN THE JUDICIAL SYSTEM TO THE PUBLIC.</b> <ol style="list-style-type: none"><li>1. Judicial officers should be encouraged to engage in community outreach and education programs.</li><li>2. Existing communication modes should be employed to better inform Californians about their courts.</li><li>3. Videotapes on a variety of legal issues should be prepared for use by public access television stations, self-help centers, law libraries</li><li>4. Information be developed for immigrant populations to differences between California's laws and those in their countries of origin.</li><li>5. A law-related educational Web site should be developed for elementary school, middle school, and high school students</li></ol>
<b>V.B.</b>	<b>EFFORTS TO DISSEMINATE INFORMATION TO LEGISLATORS ABOUT SERVICES AVAILABLE TO, AND ISSUES RAISED BY, SELF-REPRESENTED LITIGANTS BE INCREASED.</b> <ol style="list-style-type: none"><li>1. Materials should be developed to more fully inform local and state legislators of the issues raised by self-represented litigants.</li><li>2. Implement a "Legislator's Day" in the self-help centers and provide referral materials, testimonials, and research demonstrating benefits to legislators who receive complaints related to access to the courts.</li></ol>
<b>V.C.</b>	<b>LOCAL COURTS STRENGTHEN THEIR TIES WITH LAW ENFORCEMENT AGENCIES, LOCAL ATTORNEYS AND BAR ASSOCIATIONS, LAW SCHOOLS, LAW LIBRARIES, DOMESTIC VIOLENCE COUNCILS, AND OTHER APPROPRIATE GOVERNMENTAL AND COMMUNITY GROUPS SO THAT INFORMATION ON ISSUES AND SERVICES RELATED TO SELF-REPRESENTED LITIGANTS CAN BE EXCHANGED.</b> <ol style="list-style-type: none"><li>1. Training on enforcement of custody/visitation and restraining orders should be provided.</li><li>2. Information about the ways in which such orders are modified should be provided.</li><li>3. Courts should solicit regular input from law enforcement agencies about problems they are having with enforcement of court orders.</li><li>4. Courts should collaborate with these stakeholders in cross-trainings.</li></ol>
<b>V.D.</b>	<b>THE JUDICIAL COUNCIL CONTINUE TO COORDINATE WITH THE STATE BAR OF CALIFORNIA, LEGAL AID ASSOCIATION OF CALIFORNIA, CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, COUNCIL OF CALIFORNIA COUNTY LAW LIBRARIANS AND OTHER STATEWIDE ENTITIES ON PUBLIC OUTREACH EFFORTS.</b> <ol style="list-style-type: none"><li>1. Public outreach efforts to increase utilization of self-help Web sites and other technological resources</li><li>2. Cosponsoring conferences and workshops.</li></ol>
<b>V.E.</b>	<b>LOCAL COURTS BE ENCOURAGED TO IDENTIFY AND REACH OUT TO EXISTING EFFORTS TO BETTER SERVE SELF-REPRESENTED LITIGANTS.</b> <ol style="list-style-type: none"><li>1. Judges and court administrators encouraged to meet and collaborate with community service providers</li><li>2. Identify and work with existing programs such as law libraries</li></ol>

## **RECOMMENDATION VI: FACILITIES**

**SPACE IN COURT FACILITIES SHOULD BE MADE AVAILABLE TO PROMOTE OPTIMAL MANAGEMENT OF CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO ALLOW FOR EFFECTIVE PROVISION OF SELF-HELP SERVICES TO THE PUBLIC.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>VI.A.</b>	<b>COURT FACILITIES PLAN DEVELOPED BY THE AOC INCLUDE SPACE FOR SELF-HELP CENTERS NEAR THE CLERKS' OFFICES IN DESIGNS FOR FUTURE COURT FACILITIES OR REMODELING OF EXISTING FACILITIES.</b> <ol style="list-style-type: none"><li>1. The plans should include:<ul style="list-style-type: none"><li>• Space for workshops and mediations and a place where self-represented litigants can sit and work on their paperwork</li><li>• Use of copiers, computers, and other technology in the self-help centers</li><li>• Self-help services that are as close to the counter clerk's office as possible</li><li>• An access checklist developed for court personnel that enables them to see the courthouse through the eyes of a first-time user</li><li>• Identification of courtrooms (numbering, etc.) focused on helping the public easily find the correct location</li></ul></li></ol>
<b>VI.B.</b>	<b>FACILITIES INCLUDE SUFFICIENT SPACE FOR LITIGANTS TO CONDUCT BUSINESS AT THE CLERK'S OFFICE.</b> <ol style="list-style-type: none"><li>1. Sufficient space should be available while waiting at the court.</li><li>2. Helpful written information, pamphlets, and flowcharts can be available to help litigants be better prepared when their turn arrives.</li></ol>
<b>VI.C.</b>	<b>FACILITIES INCLUDE SUFFICIENT SPACE AROUND COURTROOMS TO WAIT FOR CASES TO BE CALLED, MEET WITH VOLUNTEER ATTORNEYS, CONDUCT SETTLEMENT TALKS, AND MEET WITH MEDIATORS, INTERPRETERS, AND SOCIAL SERVICES PROVIDERS.</b> <ol style="list-style-type: none"><li>1. The courtroom should have sufficient seating space.</li><li>2. Safe spaces should be provided for domestic violence cases.</li><li>3. Space should be provided around courtrooms to meet with volunteer attorneys, self-help center staff, mediators, interpreters, or other social services providers.</li></ol>
<b>VI.D.</b>	<b>FACILITIES INCLUDE CHILDREN'S WAITING AREAS FOR THE CHILDREN OF LITIGANTS WHO ARE AT THE COURT FOR HEARINGS OR TO PREPARE AND FILE PAPERWORK.</b> <ol style="list-style-type: none"><li>1. Supervised children's waiting areas should be available for the children of members of the public who are attending court hearings.</li><li>2. They should also provide for parents or guardians attending family court services mediations or using other court services.</li></ol>
<b>VI.E.</b>	<b>INFORMATION STATIONS THAT PROVIDE GENERAL INFORMATION ABOUT COURT FACILITIES AND SERVICES BE PLACED NEAR COURT ENTRANCES.</b> <ol style="list-style-type: none"><li>1. General information about how to find and use court services should be provided.</li></ol>
<b>VI.F.</b>	<b>MAPS AND SIGNAGE IN SEVERAL LANGUAGES BE PROVIDED TO HELP SELF-REPRESENTED LITIGANTS FIND THEIR WAY AROUND THE COURTHOUSE.</b> <ol style="list-style-type: none"><li>1. General information about courthouse use should be included.</li><li>2. Signs and information should be translated into several languages and universal signs developed.</li></ol>

## **RECOMMENDATION VII: FISCAL IMPACT**

**IN ADDRESSING THE CRITICAL NEED OF COURTS TO EFFECTIVELY MANAGE CASES INVOLVING SELF-REPRESENTED LITIGANTS AND TO PROVIDE MAXIMUM ACCESS TO JUSTICE FOR THE PUBLIC, CONTINUED EXPLORATION AND PURSUIT OF STABLE FUNDING STRATEGIES IS REQUIRED.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

##### **VII.A. CONTINUED STABLE FUNDING BE SOUGHT TO EXPAND SUCCESSFUL EXISTING PROGRAMS STATEWIDE.**

1. Stable funding should be sought to expand successful programs including:
  - Family law facilitators
  - Family law information centers
  - Pilot self-help programs
  - Unified Courts for Families
  - Equal access funds for partnership grant programs

##### **VII.B. THE AOC IDENTIFY, COLLECT, AND REPORT ON DATA THAT SUPPORT DEVELOPMENT OF CONTINUED AND FUTURE FUNDING FOR PROGRAMS FOR SELF-REPRESENTED LITIGANTS.**

1. Implement uniform statistical reporting from local self-help centers statewide.
2. Local and state legislators should be surveyed about the number of constituent contacts they receive from pro per litigants requesting help.
3. State and local demographics on poverty and income levels should be collected and compiled.
4. Community organizations serving the homeless and other disadvantaged groups should be surveyed to identify needs for legal assistance.
5. The Judicial Branch Information System (JBSIS) should collect and report information on whether or not litigants are represented by counsel in all categories of cases.

##### **VII.C. STANDARDIZED METHODOLOGIES TO MEASURE AND REPORT THE IMPACT OF SELF-HELP EFFORTS CONTINUE TO BE DEVELOPED.**

1. Establish uniform definitions of terms to allow for valid comparisons.
2. Standardized exit or customer satisfaction surveys should be implemented.
3. Other evaluation tools should be designed and implemented to test quality of service as well as volume.
4. Methods to assess the success of the self-help centers in expediting the processing of pro per cases should be refined including:
  - Surveys of judicial officers
  - Surveys of court staff
  - Court operations data

**Recommendation VII: Fiscal Impact – continued**

<b>VII.D.</b>	<b>UNIFORM STANDARDS FOR SELF-HELP CENTERS BE ESTABLISHED TO FACILITATE BUDGET ANALYSIS.</b> 1. Criteria for a self-help center must include: <ul style="list-style-type: none"><li>• Minimum staffing levels</li><li>• Facilities requirements</li><li>• Operating hours.</li></ul>
<b>VII.E.</b>	<b>EFFORTS OF THE COURTS TO SEEK SUPPLEMENTAL PUBLIC FUNDING FROM LOCAL BOARDS OF SUPERVISORS AND OTHER SUCH SOURCES TO SUPPORT LOCAL SELF-HELP CENTERS BE SUPPORTED AND ENCOURAGED.</b> 1. The success of those counties where the board of supervisors has funded legal self-help centers administered by the courts should be replicated.
<b>VII.F.</b>	<b>COORDINATION OF EFFORTS AMONG PROGRAMS ASSISTING SELF-REPRESENTED LITIGANTS SHOULD BE STRESSED TO MAXIMIZE SERVICES AND AVOID DUPLICATION.</b> 1. Courts should work closely with potential partners such as: <ul style="list-style-type: none"><li>• Small claims advisors</li><li>• Dispute Resolution Program Act (DPRA) programs</li></ul>
<b>VII.G.</b>	<b>AOC ASSISTANCE WITH GRANT APPLICATIONS AND OTHER RESOURCE-ENHANCING MECHANISMS CONTINUE TO BE OFFERED TO LOCAL COURTS.</b> 1. The AOC should: <ul style="list-style-type: none"><li>• Help with grant writing and with applications for other grant funding</li><li>• Provide advice on ethical issues in grant application and administration</li><li>• Offer centralized purchasing options to enhance buying power</li></ul>

## **RECOMMENDATION VIII: IMPLEMENTATION OF STATEWIDE ACTION PLAN**

**TO PROVIDE FOR SUCCESSFUL IMPLEMENTATION OF THIS STATEWIDE ACTION PLAN, A SMALLER TASK FORCE CHARGED WITH THE RESPONSIBILITY OF OVERSEEING IMPLEMENTATION SHOULD BE ESTABLISHED.**

### **THE TASK FORCE RECOMMENDS THAT:**

#### **Strategies:**

<b>VIII.A.</b>	<p><b>THE IMPLEMENTATION TASK FORCE CONSULT WITH EXPERTS IN THE AREAS OF JUDICIAL EDUCATION, COURT FACILITIES, LEGISLATION, JUDICIAL FINANCE AND BUDGETING, COURT ADMINISTRATION AND OPERATIONS, AND COURT-OPERATED SELF-HELP SERVICES, AS WELL AS WITH PARTNERS SUCH AS BAR ASSOCIATIONS, LEGAL SERVICES, LIBRARIES, AND COMMUNITY ORGANIZATIONS.</b></p> <p>1. Through consultation, programs should be developed and implemented that:</p> <ul style="list-style-type: none"><li>• Promote expeditious processing of cases involving self-represented litigants</li><li>• Provide assistance to self-represented litigants that facilitates that process</li></ul>
<b>VIII.B.</b>	<p><b>THE NUMBER OF MEMBERS ON THE IMPLEMENTATION TASK FORCE SHOULD BE LIMITED, BUT MEMBERS SHOULD BE CHARGED WITH THE RESPONSIBILITY TO SEEK INPUT FROM NONMEMBERS WITH UNIQUE KNOWLEDGE AND PRACTICAL EXPERIENCE.</b></p> <p>1. Task force member should seek input from such individuals as:</p> <ul style="list-style-type: none"><li>• Judicial officers with accumulated knowledge and experience in cases involving self-represented litigants</li><li>• Family law facilitators</li><li>• Self-help center attorneys</li><li>• Judicial Council advisory committees</li><li>• Legal services organizations</li><li>• Law libraries</li><li>• The Commission on Access to Justice</li><li>• State and local bar association committee and sections</li></ul>